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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,890	06/29/2001	Juha Salo	367.40305X00	4950

20457 7590 10/22/2004

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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,890

Applicant(s)

JUHA SALO ET AL

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 11-17, 22-37 and 41-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 18-21 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/29/01 and 04/16.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-3,5-8, and 10,18-21, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Tegler et al. (US 6,606,481 B1).

Regarding claims 1, Tegler discloses a terminal having a first receiver for receiving a first signal from a first communications network (see fig. 2; incoming broadband signal) comprising: a second receiver for receiving a second signal (see fig. 2; GSM incl. SIM antenna) conveying complementary information relating to said first signal from a second communications network (see fig. 2 and col. 3, lines 25-59).

Regarding claims 2-3,5-8 and 10, Tegler also discloses a controller for configuring said first receiver according to said complementary information (see fig. 2 and col. 3, lines 25-59);

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wherein said first receiver is enabled to receive said first signal in response to said complementary information (see fig. 2 and col. 3, lines 25-59); storage means for storing user preferences (fig. 2; SIM card); decision means for deciding whether said second signal should enable said first receiver in dependence on the stored user preferences (see col. 3, line 60 to col. 4, line 5); wherein said first signal is a digital video broadcasting (DVB) signal, and said first receiver is a digital video broadcasting (DVB) receiver (see fig. 2 and col. 3, lines 25-59); wherein said second signal is a global system for mobile (GSM) signal, and said second receiver is a global system for mobile (GSM) receiver (see fig. 2 and col. 3, lines 25-59); wherein the first signal includes a data file, said terminal being actuatable in response to said complementary information to receive said data file (see fig. 2 and col. 3, lines 25-59).

Regarding claims 18-21, Tegler also discloses a method of receiving a first signal from a first communications network comprising: receiving a second signal conveying complementary information relating to said first signal from a second communications network (see explanation in claim 1); receiving said first signal in accordance with said complementary information (see explanation in claim 2); storing user preferences (see explanation in claim 5); deciding whether said second signal should be received in dependence on said stored user preferences (see explanation in claim 6).

Regarding claim 38, Tegler also discloses a method of receiving a first signal from a first communications network comprising receiving a second signal conveying complementary information relating to said first signal from a second communications network, and combining said information from said second signal with content in said first signal (see fig. 2 and col. 3, lines 25-59).

Regarding claim 39, Tegler also discloses said complementary information comprises personal data, said data being combined with generic data forming said content of said first signal (see fig. 2 and col. 3, line 25 to col. 4, line 5);

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tegler et al. (US 6,606,481 B1) in view of Ellis et al. (US 6,774,926).

Regarding claim 4, Tegler's terminal does not mention wherein said complementary information comprises schedule and configuration data. However, Ellis et al mention information comprises schedule and configuration data (see col. 9, lines 31-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Ellis et al to Tegler et al so that user can select program as desired.

Regarding claim 40, Tegler's method mentions wherein said second signal further comprises configuration data relating to said first signal identifying said content (see fig. 2 and col. 3, line 25 to col. 4, line 5). Tegler's method does not mentions said second signal comprising schedule. However, Ellis et al mention second signal comprising schedule (see col. 9, lines 31-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Ellis et al to Tegler et al so that user can select program as desired.

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3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tegler et al. (US 6,606,481 B1) in view of Yuen (WO 00/18123).

Regarding claim 9, Tegler's terminal does not mention said second signal is a general packet radio service (GPRS) signal, and said second receiver is a general packet radio service (GPRS) receiver. However, Yuen discloses said second signal is a general packet radio service (GPRS) signal, and said second receiver is a general packet radio service (GPRS) receiver (see abstract; page 4, lines 4-30 and fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Yuen to Tegler et al so that user can view images on the mobile phone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Nguyen



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